UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,313	10/24/2005	Kenji Sakuda	Q85635	6902

72875   7590   02/09/2010

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER
YANG, QIAN

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
02/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
kghyndman@sughrue.com
USPatDocketing@sughrue.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _16 December 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _9-12 and 16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _9-12 and 16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _9/18/09_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on December 16, 2009 has been entered. The

specification has been amended. Claims 9 and 16 have been amended. No claims have

been cancelled. No claims have been added. Claims 1-16 are still pending in this

application, with claims 9 and 16 being independent and claims 1-8 and 13-15 have

been withdrawn from consideration.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 9, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Someno et al. (US Patent Application Publication 2002/0051179), hereinafter

referred as Someno, in view of Gomi (US Patent 7,190,469).

Regarding claim 9, Someno disclosed a host apparatus creating print data to be sent to

a printer (**a host and a printer system in Fig. 1**), the host apparatus being

characterized in that it comprises:

print instruction means for sending the print data to the printer and causing printing

(**paragraph 0041 – 0042**); and

cancellation means for, in the event that a prescribed print cancellation condition of the

host apparatus exists (**paragraph 0065, "the printer driver 31 (in client computer)**

receives a cancellation instruction designated by a user"), requesting cancellation

of printing in units of pages at the printer such that printing continues until printing of a

page currently being printed is completed (**paragraph 0011 and 0073. When a**

cancellation is issued, transfer of packets to the printer is stopped, and a page

ending command and job ending command would be transmitted to the printer.

Therefore, printing continues until printing of a page currently being printed is

completed).

However, Someno fails to explicitly disclose wherein the print instruction means,

in the event that the prescribed print cancellation condition of the host apparatus is

eliminated, requests the printer to resume printing an unprinted page subsequent to the

completed page based on job status information obtained from the printer.

However, in a similar field of endeavor Gomi discloses a printing system. In

addition, Gomi discloses in the event that the prescribed print cancellation condition of

the host apparatus is eliminated (**col. 6, lines 7 – 13, interrupt and resume a print**

job), requests the printer to resume printing an unprinted page subsequent to the

completed page based on job status information obtained from the printer (**Fig. 17, col.**

14, lines 8 – 34).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Someno, and in the event that

the prescribed print cancellation condition of the host apparatus is eliminated, requests

the printer to resume printing an unprinted page subsequent to the completed page

based on job status information obtained from the printer, as taught by Gomi. The

motivation for doing this is that the interrupted print job can be finished by resuming

instead of reprint the whole job again.

Regarding claim 10 (depends on claim 9), Someno discloses the host apparatus

wherein the prescribed print cancellation condition is:

whether a battery charge level of an internal battery has decreased to a preestablished

prescribed value; or

whether a user has issued a printing interruption instruction (**paragraph 0065**); or

whether a battery charge level of an internal battery has decreased to a preestablished

prescribed value and a user has issued a printing interruption instruction.

Regarding claim 16, Someno disclosed a host apparatus creating print data to be sent

to a printer (**Fig. 1),** the host apparatus comprising:

print instruction means for sending the print data to the printer and causing printing at

printer (**paragraph 0041 – 0044**); and

cancellation means for, in the event that a prescribed print cancellation condition of the

host apparatus exists (**paragraph 0065, "the printer driver 31 (in client computer)**

receives a cancellation instruction designated by a user"), issuing a page

cancellation request to the printer wherein the page cancellation request instructs the

printer to cancel printing of the printer in units of pages so as to continue printing of a

page currently being printed until completion of the printing of the page (**paragraph 0011 and 0073. When a cancellation is issued, transfer of packets to the printer is stopped, and a page ending command and job ending command would be transmitted to the printer. Therefore, printing continues until printing of a page currently being printed is completed**).

However, Someno fails to explicitly disclose wherein the print instruction means, in the event that the prescribed print cancellation condition of the host apparatus is eliminated, requests the printer to resume printing an unprinted page subsequent to the completed page based on job status information obtained from the printer.

However, in a similar field of endeavor Gomi discloses a printing system. In addition, Gomi discloses in the event that the prescribed print cancellation condition of the host apparatus is eliminated (**col. 6, lines 7 – 13, interrupt and resume a print job**), requests the printer to resume printing an unprinted page subsequent to the completed page based on job status information obtained from the printer (**Fig. 17, col. 14, lines 8 – 34**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Someno, and in the event that the prescribed print cancellation condition of the host apparatus is eliminated, requests the printer to resume printing an unprinted page subsequent to the completed page based on job status information obtained from the printer, as taught by Gomi. The motivation for doing this is that the interrupted print job can be finished by resuming instead of reprint the whole job again.

4.   Claims 11 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Someno in view of Gomi and in further view of Watanabe et al. (US Patent Application

Publication 2002/0105669), hereinafter referred as Watanabe.

Regarding claim 11 (depends on claim 9), Someno in view of Gomi fail to explicitly

disclose the host apparatus further comprising

storage means for storing interruption location information obtained from the printer

indicating a location at which printing was interrupted pursuant to the request for

cancellation of printing;

wherein the prescribed print cancellation condition is whether a battery charge level of

an internal battery has decreased to a preestablished prescribed value; and

the print instruction means, in the event that the battery charge level of the internal

battery recovers to the extent that the prescribed value is exceeded, causes the

interrupted printing to resume based on the stored interruption location information.

However, in a similar field of endeavor Watanabe discloses a printing system. In

addition, Watanabe discloses the host (the camera) comprising

storage means for storing interruption location information obtained from the printer

indicating a location at which printing was interrupted pursuant to the request for

cancellation of printing (**described in paragraph 0109, "the printing is halted and

interrupt information with which where the printing has been performed can be

identified is stored in the EEPROM 504 of the camera"**);

wherein the prescribed print cancellation condition is whether a battery charge level of

an internal battery has decreased to a preestablished prescribed value (**described in**

paragraph 0109); and

the print instruction means, in the event that the battery charge level of the internal

battery recovers to the extent that the prescribed value is exceeded, causes the

interrupted printing to resume based on the stored interruption location information

(**described in paragraph 0115-0116**).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Someno in view of Gomi, and

store interruption location information obtained from the printer indicating a location at

which printing was interrupted pursuant to the request for cancellation of printing, and in

the event that the battery charge level of the internal battery recovers to the extent that

the prescribed value is exceeded, causes the interrupted printing to resume based on

the stored interruption location information, as taught by Watanabe. The motivation for

doing this is that when the power supply is resumed, the remaining printing can be

performed, as disclosed by Watanabe (**paragraph 0115 – 0116**).

Regarding claim 12 (depends on claim 9), Someno in view of Gomi fail to explicitly

disclose the host apparatus wherein:

the prescribed print cancellation condition is whether a battery charge level of an

internal battery has decreased to a preestablished prescribed value; and

the print instruction means, in the event that the battery charge level of the internal

battery recovers to the extent that the prescribed value is exceeded, obtains, from the

printer, interruption location information indicating a location at which printing was

interrupted pursuant to the request for cancellation of printing, and causes the

interrupted printing to resume based on this interruption location information.

However, in a similar field of endeavor Watanabe discloses a printing system. In

addition, Watanabe discloses the host (the camera) comprising

the prescribed print cancellation condition is whether a battery charge level of an

internal battery has decreased to a preestablished prescribed value (**described in**

paragraph 0109); and

the print instruction means, in the event that the battery charge level of the internal

battery recovers to the extent that the prescribed value is exceeded, obtains, from the

printer, interruption location information indicating a location at which printing was

interrupted pursuant to the request for cancellation of printing, and causes the

interrupted printing to resume based on this interruption location information (**described**

in paragraph 0115-0116).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the invention of Someno in view of Gomi, and

store interruption location information obtained from the printer indicating a location at

which printing was interrupted pursuant to the request for cancellation of printing, and in

the event that the battery charge level of the internal battery recovers to the extent that

the prescribed value is exceeded, causes the interrupted printing to resume based on

the stored interruption location information, as taught by Watanabe. The motivation for

doing this is that when the power supply is resumed, the remaining printing can be

performed, as disclosed by Watanabe (**paragraph 0115 – 0116**).

Response to Arguments

5.   Applicant's arguments filed December 16, 2009 have been fully considered but

are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QIAN YANG whose telephone number is (571)270-7239. The examiner can normally be reached on Monday-Friday 8:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 5712727490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QIAN YANG/   /Benny Q Tieu/
Examiner, Art Unit 2625   Supervisory Patent Examiner, Art Unit 2625